

A  
Case of Conscience,

Whether a *Nonconformist*, who hath not taken the *Oxford Oath*, may come to live at *London*, or at any Corporate-Town, or within five miles of it, and yet be a *good Christian*?

*Stated briefly, and published,*

In reference to what is offered to the contrary, in a Book intituled, *A Friendly Debate betwixt a Conformist and a Nonconformist.* by S. PATRICK

*Together with*

*Animadversions* on a new Book, intituled, *Ecclesiastical Polity*; the general Heads and Substance whereof are taken under consideration.

AS ALSO

*A Peaceable Dissertation.*

By way of *Composition* with some late *Papers*, intituled, *Liberty of Conscience*, in order to the determining the Magistrates Power in matters of Religion.

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*London*, Printed in the Year. 1669.

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By way of carrying out the former law, anti-  
slavery, which of course, in order to the de-  
struction of the M. F. F. power in matters  
of legislation.

Printed in the U.S.A.

## The Case.

**B**eing importuned to make some *Animadversions* on the *Friendly Debate*, I had finished several sheets, and intended but two or three more, when I was certified that an *Answer* was in the Press and prevented me; which together with the unlikelihood of getting an *Imprimatur* for it when I had done, hath given me a *superficies* at present to what remains; and made me think what I cannot do in the *whole*, may be effected perhaps in *parts*. I shall begin therefore upon this Point, which seems to me the most material of any in that Book to be considered, both in regard of the loss the most are at what to Answer, and the necessity of their satisfaction, seeing if they act not *in Faith* in what they do, they cannot acquit themselves from sin.

*How can that man be a Minister of Christ, who is disobedient to his Sovereign? And that, even in those things wherein Christ and his Laws are not concerned. The Law of the Land forbids the Nonconformist to live in London, or within five miles of it. But that is not repugnant to the Command of Christ, and therefore he is not a good Subject, and consequently not a good Christian; much less such a Minister of Christ as he ought to be.*

By this one passage in that Book, I do take my conjecture of the Author, to be a Person happy in his Expression, and ingenuous in his Disposition, rather than deep in the things he delivers, or studious and reflective on those more *Removes* than one he ought to see, who will play such a Game as this, with all his fellows at once, that are in the Ministry, of a contrary party. To bind the observation of all human Laws (not sinful in the fact) upon the Conscience without distinction, is the doing he does not know what. An unmerciful determination! which being passed too upon that particular *Oxford Act*, hath drawn from the rest, this *Animadversion* (as it lyes there) out of my Papers.

I am sorry that any Person of so much candour, latitude, and ingenuity, as I believe the Writer of this Book to have, should be so unkind to his Brethren, so unconscionably untender (to express the thing as it is) as to account, That no man who transgresses an Act of Parliament (such as for the *Nonconformist* to come within five miles of *London*)

don) can be a good Christian. Alas ! how precise are some men as to the Law of the Land, who are yet so angry at others for being strict to the Laws of God ? But does this Reverend Person indeed think that every transgression of a Statute of the Realm is no less than a deadly sin ! Or dare he wilfully judge here, any otherwise than himself would be judged ? What then if a man shall live and die in the breach of many Statutes, which he knows, and yet thinks nothing of it, must such a one be certainly damned ? What if a man should live and die in a Cottage of his own erecting, that hath not four Acres of Ground to it ? Or may a man live and die in a wilful known sin, without Repentance, and be saved ? *Too rigorous were it* (says Mr. Hooker, that understood himself here no doubt a little better) *that the breach of every Law should be so held ; a Mean there is between these extremities, if so be we could find it out.* I must confess I have not read any, to my remembrance, that have ventured on the chalking out this *Mean* that I should gather satisfaction from it ; so that I must content my self with my own Sentiments, which I shall readily deliver, being glad at my heart if I can unloose any burden, which many that are tender may be apt to bind on their Consciences, when some that eye the same, would be loth to touch them with their little fingers.

The Magistrate I account with the Apostle, is the *Minister of God* for the Peoples good. If he command in order to that end, I think his Commands ought to be obeyed, not only for fear of his Sword, but for Conscience sake : But if he command any thing for the Peoples hurt, or that which evidently is not for their good, I think his Command (if the matter be not sin) is yet to be obeyed for *Wrath* sake, and so not to be contemned ; but I think not any obligation lyes on the Conscience, if it can be avoided without contempt or scandal, that it should be done. We must distinguish here between the authority that resides in the *Person*, and the authority of this or that his particular Command. I do apprehend that when any Command or Law does require that, which is Morally or Civilly evil, every such Command or Law, is really divested of authority, and so may be left undone without breach on a man's Conscience ; yet if a man be brought to question about it, he must suffer, because the authority which resides still in the *Person* must be submitted to, as to the Ordinance of God. He must not resist ; that is express ; and rather than resist, he must suffer ; whereas if he could avoid it without resistance, he was not bound in good earnest, either to do, or suffer. Where we are not obliged *ad agendum, et ad patendum*, says Grotius, *tum dummodo ubi poena evitatur, nisi vi opposita non preest.* De Imp. sum. pot. circa sac. p. 98.

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The reason of this at the bottom lyes here, and is this: *Power in the Magistrate, or Civil power*, which is the ground of subjection, does not lye in might, strength, or force, but in *Right*. *Politia* (say Politicians) is *ius imperandi*. This right in the nature of the thing must arise from the *Grant* or *Will* of the Supreme Lord, which is God, without whose Will (or that Grant, or Charitie) which is an Act of his will) no Power can be derived from any. Now that grant or will of God which constitutes any to Rule, or to be his Minister, being for the Peoples weale. (He is the Minister of God for our weale, sayes the text :) it must follow that whatsoever is not indeed for the Peoples weale, the Magistrate is not to command, because it is God's will he commands only for their weale. And if he do command any matter that is otherwise, that Command hath no Authority as to the Conscience at all, as being without the warrant of God's will. This is such Doctrine, which is plain, bottom'd and irrefragable; *He is the Minister of God for thy good*, saith St. Paul, otherwise he is not God's Minister, and hath no other purpose aim of God's power; Dr. Taylor in his Cases, cap. 35. *Quid necessarium non habet conjunctionem cum fine publico communi: non potest recipi lege humana*, sayes Suarez from the Schools.

One difficulty onely there is, which is this: Who shall judge whether a Law be for the peoples weale, or not? I answer, The Magistrate must judge as to the making the Law, and we must judge as to our obedience to it: My Reason I give as readily, Because God hath made every man the Judge of his own Actions, and consequently of all the Circumstances, whether they are agreeable, or not agreeable to his will, for his forbearance, or doing of them: So that it is not according to the resolution of any others Conscience, but of his own, or the Judgment of *Private Discretion*, he shall be justified, or not justified in his walking before him: Let a Law then be promulgated wherein a man is concerned, I thus determine: If he deal uprightly, that is, as a *Christian*, (to use industriously this persons word) and in his Conscience does judge that the Law is good; I mean good for the general; (whether their spiritual or temporal good) I do apprehend he is obliged in Conscience to the obeying that Law, (as long as far as his particular obedience is conducive to that good) though the keeping of it otherwise be to his own disadvantage or private loss. If he judges it not good, I do suppose he may do well in prudence to be wary, and do perhaps as others do, and not run himself into harm's way: But really if he observes it not, he is to make no Conscience of it, as if the thing offended God, whether he does it, or leaves it undone. And here is that

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that very *Man* indeed it self, for aught I know, *good defiler*. To  
wit, That the Law or Commands of the Magistrate (even in political  
and indifferent things) does no less than bind the Conscience, when he is  
the Executioner of *Gods will*. But though the *extraneous man* (out of the  
case of sin) may be bound, if you will; the Conscience cannot be  
obliged, and ought to be still kept free, when he is the Executioner  
only of his own. *Human Laws* (says the fore-mentioned excellent  
Doctor and Bishop) bind the Conscience of the Subjects, but yet give  
place to just and charitable Conscience. *Human Laws* competent and sufficient, are  
not express and minutely declared, but are to be defined by the moderation  
and prudence of a good man.

I know not how this *Author* may excuse this, from whom I expect  
more ingenuity than from many others; that is, to yield to second con-  
siderations. But methinks, if he had not thought at first (when he  
wrote) of any thing besides, he might at least have considered that  
there be Laws, which of themselves grow out of date, and that it is  
not Time so much that brings on them their decay, as the apprehensi-  
on of them to be unreasonable, unfit, or unprofitable to the Land.  
When a Law therefore is by general *law* allowance, and practise of  
the Nation, had no longer in regard, it is to be accounted as *virtually*  
*abolish'd*, and so it binds not. There was a Law made this Parliament  
about *Carrs and Waggon*s, for the better keeping the *High-ways*; which  
being found quickly inconvenient to the *Waggoners*, and innumerable  
we may suppose to the *End*, it was scarce a Month or two, but they  
heard no more of it. I will put a Case now of Conscience to this Per-  
son; Suppose a man whose living consists in his *Waggon*, and unless  
he puts more Horses in his Team in his coming up to *London*, than this  
Law will allow, he must give off his Trade, or be undone. I ask,  
What shall this fellow do? By the Doctrine of this Book, for aught  
I can see, he can be no good Subject, and consequently no good Christian, if  
he goes on. I will ask again; What thinks the Author of those that  
die and are buried in the *iniquity of Livers*? Whether the Women ge-  
nerally of this Nation, who cannot abide to have the *dead* wrapt in  
*Flannel*; but being used so much to controul their *Husbands* at home,  
will not be ruled by *such Husbands*, to do any otherwise herein than what  
they think is *lawful* for all them, are in capacity, without their a-  
mendment in this point, to be saved? For my own part, I think yea  
the latter of these Laws being intended, & tending directly to the par-  
ticular good of the Nation; it ought in Conscience to have been kept;  
yet seeing the very *humors* only of the Women hath discountenanc'd  
it,

it, so that in the general usage it is annull'd; I dare not say that any man does sin, that observes it not. I dare not say that *none* can be a good Christian that buries her Husband in his *Wife*.

As for the Act itself of *Oxford*, I suppose pass me thinks, without the observation of God's providence, toward that great Person, who in his Speech that Session, so industriously declared himself the Defender: *Since the Parliament at Oxford, a hath been visible* (sayeth he) *that my credit hath been very little*. He who had contrived the Banishment of others from their *houses* by that Act, leaves this passage in his Letter, at his own *departure* out of the *Academy*. But though he might be forgetful in his prosperity, and unsensible of those inconveniences which he was bringing those into, who had done nothing against him; Yet do not thou, O God, for all he hath done against thee, deprive him in his adversity of the favour of thy *Mercy*, nor forget to bring his soul out of trouble, when thou shalt first have brought it in, with the sense of what has been amiss, in such doings.

For the Oath imposed, as the condition of the *Transformation* lawful coming to this City, or any other Corporation; by that *Oxford Act*, there are the *Nonconformist* Exceptions against it proposed in that Book entitled, *A Defence of the Proposition*. If the Author of this Debate, or that ingenious Person, who (they say) is writing something about Ecclesiastical Policy, for the justifying these Impositions, nor that worthy Person his associate, who is particularly engaged in it, can Answer them, let them try. This I must say, that I suppose the chief of those things which stick in good earnest upon the *scabrous Nonconformist*, and which others do not, or dare not speak out, are there offered, against that Oath; and against *Disaffection*. If they shall pierce down the words fairly and candidly, and answer them satisfactorily, they shall do well: But if they *do not* (after this notice) the world shall account indeed they *cannot*; and what they say otherwise, must signify nothing. I will conclude with *Overius*, and return to my Theme; *Leges humanas vim obligandi cum deinde habeant; si laici sint ad humana non modum non si sunt laici non debent obtemperare* &c. *non debent obtemperare* &c.

If you ask it last, How this Sheet comes out thus alone without the rest against this Debate with it? I must say, What shall a man do, when the Press is become so like the Hedge-hog's Den, that when they have one door open still for themselves, they will be sure to stop the other, where the least Wind can but blow upon them.

## The Animadversions.

**H**AVING written out the foregoing sheet, and left it at the Press, there is that Book newly come forth, entituled, *A Discourse of Ecclesiastical Politie; wherein the Authority of the Civil Magistrate over the Conscience of Subjects in matters of Religion is asserted*, containing eight Chapters, which require this fresh labour.

The first is, *Of the necessity of an Ecclesiastical Power or Sovereignty over Conscience*; wherein he supposing a competition between the Power of Princes and the Consciences of the Subject, gives a Superiority to the Power of the Prince above Conscience. The very Title of this Book, as the flourishing stile, does shew him a young man that writ it. The Conscience of man is a judgment on his actions in relation to God, that is a judging whether that which he is about to do, is agreeable, or not, to his will: and it is impossible that any mortal can have an authority over that judgment, that the subject should do any thing against it. That the Commands of the Magistrate for the peoples good, do by virtue of the general Institution and fifth Commandment, bind the Conscience, so that if they are bound to the King by the Law of Nature, or Word of God before, this adds a new Obligation; and if they be not, this brings one on them, will be confess I think by the most judicious and sober in this point: but that the Authority of the Magistrate must take place of the Authority of Conscience, when they stand in competition, is a determination I suppose that is strange and unheard of in the Orthodox World. Every single person (says the Author) is subject to two supreme powers, the Laws of his Prince, and the Dictates of his Conscience; and therefore if the supreme power of the Prince must give place to that of the Conscience, it ceases upon that score to be supreme, because there is a superior authority that can countermand all its laws and constitutions. And who is there that understands himself, that does not know the sense of this, spoken in modest and right terms as it ought, is what is most true, and what all are to assert? The Supremacy of the King, I hope, is over the Subject, as to their Persons and their Causes, not over their Consciences. If we were to conceive indeed of men that they might chuse what Consciences themselves pleased, and then plead them against the Magistrate, as the force of his words do carry it, that  
which



which he sayes here would have reason, and of *all Persons*, the ill-meaning, not the *well-meaning* Zealot, as he speaks, *would be the most dangerous*. But when the Conscience that man hath, is no other then what God hath placed in him, and he hath no power himself over it, which is, and must, and will be, whether he will or no, conclusive with him according to the Light of Nature, and the Word of God: there is no danger to the Magistrate, though some of his Commands sometimes may not actively be obeyed, in yielding that authority which is due, unto Conscience. And how indeed shall a man be subject to the Magistrate for *Conscience sake*, if the command of Conscience had not in it a superiour and more prevalent Power than his? It would be for his own sake, and nor for Conscience sake, if his authority were greater than it. I remember, being discoursing with some about the *Title of this Book*, presently after I had it, a little Boy, about ten years of age, being carried belike to a Play that week, which being never at one before, had made some impressions in his mind, *Why* *Mr. Mr.* sayes he, to her standing by, *Lacy hath confused this Book; for he calling the Tyrant, said in the Play, That Conscience was a greater King than he.* I will take this note from hence; It is pity that Religion should be brought as it were on the Stage, and made Comical in the *Friendly Debate*; and that the Stage should speak more truly and tenderly of *Conscience*, than this Book of *Ecclesiastical Policy*.

His Second Chapter is a *more particular account of the Magistrates Power in the Affairs of Religion*; the extent whereof he endeavours to shew to be the same with his power over the *Conscience in matters of Morality*. But this Person hath received no long information into his understanding, I believe, of these matters; for he may be pleased to know that some perhaps of the best that have wrote on this subject, will grant him freely that the Magistrate hath the same Power in matters that are *Religious*, as in those that are *Moral*, when there is none will say that that power is *over the Conscience* in either. This very daring, as accomplished young person, too presuming on his own parts, must be acquainted therefore, That it is one thing to grant the King his Authority in matters Ecclesiastical, as well as Civil: and another, to grant him any Authority *over the Conscience* in the least thing in the world. If the Magistrate command any matter of *Morality*, or of *Religion*, or of *Civil Affairs* which are good for the People, that which is commanded does oblige as well in the one, as in the other: But if it be evil which he commands, that is, if it be against the Word of God in Religion, against virtue and honesty in Morals, against the common



good to Civills, such things are to be forbore though Comended ; and what, or who can be judge, if it be so, but a man's own Conscience ? And how irrational consequently, as well as presumptuous, are such kind of speeches. That *Princes may with less hazard give liberty to some ~~Things~~ and Duties, than to their Conscience*, unless the acts of men were to be brutish, and performed without judgment ?

This Third Chapter is of the subject-matter of the Magistrates Power, that is *not the inward acts of the mind, but the outward actions* ; from whence he would state the Liberty of the Conscience to lye altogether in the freedom of a man's thoughts, judgment, or opinion ; and that Religious worship which is *internal*, when as for his outward actions or practices, in the Service of God, as of all things else, he would have men *not so free of granting the Magistrate power* (to use still his own language) *over their Conscience*. But this really is short of what here is to be said, that is a few first thoughts taken into the Pen and written away glibly. For though this distinction of the *inward* and *outward* acts of men is on a thing requisite to the determining the Point in hand, as you will read in the intended *Dissertation* following ; yet is not that enough alone to state this business, seeing it is about those acts altogether which the Laws and Penalties of the Magistrate do reach, we are to make our inquisition. If this Person then (let me say) were but able by the ready Tongue and Wit he hath, to prove, That as the outward acts of man only, are subject to the Magistrate ; so a man's inward acts only, and heart worship, were subject to Conscience (which he saith methinks would be nobling at) then had he decided the business very dexterously at this one stroke, yet not thanks to himself for it. But when there is no man, but in his outward acts, and all duty, as in his inward, both, is bound, and must be (say all he can) to follow the dictates of his Conscience, and that alwayes, so far at least as upon no terms whatsoever to go against it, the main difficulty of this Determination is quite left untouched by him, and humbly to be assayed in that which is to follow.

This Fourth Chapter is, *Of the Nature of all actions intrinsically evil, and their exemption from the Authority of humane Laws against Mr. Hobbs*. When any thing (sayes he) that is *apparently and intrinsically evil*, is the matter of an humane Law, whether it be of a Civil or Ecclesiastical Concern, here God is to be obeyed rather than man. And in all such actions disobedience is so far from being a sin, that it becomes an indispensable duty. Thus much is said well, and as others say. But when he adds in his *Contents*, *The reason hereof is not because men are*

*in anything free from the Supreme Authority in Earth, but because they are subject to a Superior in Heaven: This is spoken like a Child, that hath look'd on what he delivers but once, before he delivers it: For the very immediate principal true Reason is indeed, because the Supreme Magistrate and Subordinate, hath no power in such things. Their Authority they have is from God, and that is not to command what he hath forbid, but to be his Ministers, that is, to rule only for his Glory, and the Peoples Good. This appears by what is said in the first sheet already, and what also will follow. And the want of the knowledge of this, hath been a Foundation-stone of Rumbling to many in their decisions about these matters. It follows in the Chapter, that *the taking off all obligations from mens Consciences antecedent to humane Laws*, does open the way to the *ruine of all Religion*, and consequently all Government. This he makes out clearly, and hath well confuted (as I judge) Mr Hobbs's Hypothesis of Government. But in the mean while, I wonder this Author should not see, that what he says in the ending, does return upon himself. For if nothing which is *apparently*, or *intrinsically* evil can be commanded by man, because of the Authority of God; then nothing for the same reason, whatsoever it be which is *not*, or is forbidden at all by Him, can be commanded, seeing else that reason were not good. As Divines from that saying, *We must not do evil that good may come of it*, do unanimously agree, that the *most* evil betwixt upon must not be committed for the obtaining the *greatest* good: So will they from the saying, *That we must obey God rather than man*, conclude as largely, That wheresoever the Will of God and the Magistrate stands in competition, let the matter be *external* or *internal*, *intrinsically* or *positively* evil, *apparently*, or an *appearance* only of evil, while a man himself is convinced in his Conscience it is evil, it must not be done. And what becomes then of the substance of this Discourse about the *Power of the Magistrate over mens Consciences*? And what a weak Argument, of any in the world, hath he chosen to bottom his main Work upon, which is the same Mr Hobbs, whom he confutes, I suppose does bottom his; to wit, an Argument only from *Convenience*. The Magistrate must have a Power over his Subjects Consciences, because they will else be ungovernable, while they obey their own Consciences rather than him. By which reason he might say, That therefore his Power in External things; and which concern Government, should be above Gods, and the Scriptures; because otherwise the Subject will not obey him when the Word, or God, requires contrary to his Edicts. Certainly, to argue that the People*

must give the King power over their Consciences in all things now in difference about Religion, because else they cannot be governed by him, is all one as to argue, That when the Prince is wicked, an Atheist, an Idolator, an Heathen, the People must have no Consciences at all. That person that goes about to loosen the authority of Conscience with the people; and set up a power in any Mortal above that, to rule them by, does but do the same thing in a lower degree, as Mr. *Hobbs* does, and must be liable proportionably to the same Consequences. And is it not pity when a man is so stoutly confuting Mr. *Hobbs*, that he in the mean while should become a young *Leviathan* himself, who gives the world occasion too, to fear what he may grow to? But whatsoever dimensions he may have as to his parts, his strength hitherto is but little. Those Subjects that will but heartily obey their Prince so much as they can, that is, so far as their Consciences will let them, they obey him enough; and are as governable as God Almighty would have them. If this man would have more, he does but find fault with his *Maker*, and with humane Nature, as if he did not know how best to make man fit for Government; which is for none but one of the light young men, and foolish of *Israel*, to do. As *incommensurabilem non soluit*, I assume, *Excommuni, non valet Argumentum*.

His fifth Chapter is concerning Toleration, as it arises from Atheistical Principles. Those that are indifferent in their Religion, or have no Religion, cannot be concerned much with what others hold. It is against reason, and a kind of madness, that such should be vehement for persecution. There are Arguments therefore which are used by this sort of men, from Policy for Liberty of all Opinions, which this person endeavours to prevent or remove, and does offer some of his own against Toleration. But this Subject hath been lately so much canvassed, and there are arguments drawn up so fully and clearly, with so much weight and prudence, from the Interest of Religion, and from the Interest of our State, in those two Books or two parts, entituled, *Liberty of Conscience*, and the last especially, that it will scarcely admit of any thing more to be said of it: If it will, it is the fixing a right Rate hereof only in the Mind, that will be, I think, both the best way to confirm it, and to preponderate the Arguments against it. It pleased his Majesty in one of his Speeches to commend a Union of his Protestant Subjects to the consideration of the Parliament: A Design full of all Princely Wisdom, Honesty, and Goodness: In this Achievement, there is a double Interest (I apprehend) to be distinguished and considered: That of Religion it self, and that of the Nation. The  
advance

advance of Religion does consist much in the Unity of its Professors, both in Opinion and Practice, to be of one Mind, and one Heart, and one way (in Discipline and Worship, if it might be) according to the Scripture. The advance of the Nation does lie in the freedom and flourishing of Trade, and uniting the whole Body in the common benefit and dependance on the Government. The one of these bespeaks an *Established Order or Accommodation*, the other bespeaks *Indulgence, Liberty of Conscience, or Toleration*. For while People are in danger about Religion, we dare not launch out into Trade (say they) but must keep our Money, seeing we know not what we shall suffer, nor where we shall be driven. And when in reference to their Party or Parties, they are held under severity, it is easie for those who are designing Heads, to mould them into Wrath and Faction; which without that Rigor shall melt and resolve into bare Dissent only in Opinion, peaceably rejoicing under the enjoyment of Protection. The King we know is concerned as the *Supreme* Governour, and as a *Christian* Protestant Governour. As he is *King*, he is to seek the welfare of the Nation; as he is *Christian*, the flourishing of Religion: And the Protestant Religion particularly is his Interest, as this Kingdom does lie in balance (He being the chief Party) with its Neighbour Nations. The Judgement now of some is for a *Comprehending* Act, which may take in those who will own the National Church, that severity then might be used for reclaiming all-whosoever separate from it. The Judgement of some others is, For a free and equal Act of Grace to all indifferently, (the Papists with some, excepted) whether Separatists or others, abhorring Comprehension as more dangerous to them upon the Account mentioned, than all the Acts that yet have passed. Neither of these judge up to the full Interest of the King, and Kingdom, as is proposed. It becomes not the *Presbyterian*, if his Principles will admit him to own our Parish Churches, and enjoy a Living, to be willing to have his Brethren the *Independents* given up to persecution: And it becomes not the Separatist if he may but enjoy his Conscience, to repine or envy at the Presbyterian for resping any farther Emolument, seeing both of them (supposing the latter may do so) have as much at the bottom as can be, in their Capacities, desired of either. It is an Act therefore of a *middle* complexion, providing both *Comprehension*, and *Indulgence* for the different Parties, must serve our purpose. Let but the Grounds for Comprehension be laid wide enough, to take in all who can own, and come to the publick Church and Ministry, which we suppose as yet the far greater weight of the Nation, and when



the Countenance of the King, or State-Emolument are all cast into one Scale, and others let alone to come of it, without persecuting any to inflame them, or Preferment to encourage them, (especially if one expedient were added, that is, if the Dean and Chapters Lands, and all Pluralities impartially, the one whereof are held unprofitably, the other sinfully, were cast into the Labouring Ministry, that those that come in, may find it really better to be a Priest to a Tribe, than a Levite only to a Family) we need not doubt but Time, the Mistrels of the Wise and the Unwise, would discover the peaceable issue of such Counsels.

His Sixth Chapter is, *Of indifferent things; and the Magistrates power in determining them*; wherein that Tenet, *That nothing ought to be established in the Worship of God, either in manner or manner, but what is commanded in Gods Word*, is exagitated and burdened with several evil Consequences. But this Author is not to go away with this wrong, to lay that for a Principle of Nonconformity, which the most sober of the Nonconformists will disclaim. This Position therefore, *That nothing is lawful in Gods Worship, but what he hath enjoined*, must be understood of the Worship of God as to the Substance of it; wherein it is true, That what is not commanded is *eo nomine* forbidden. But as for the Circumstances of it, it must admit of some distinction, upon necessity; and if we go to frame any, as of natural Circumstances and *infirmities*, or the like, unless the distinction be derived from Scripture, that which we assume of the one branch, will go near by a parity of Reason, to be stretched also to the other. The determination then of my thoughts, is this. There is the Worship of God, and the Circumstances of it. The Worship of God must be what he hath prescribed; if it be not commanded by him, it is not our Duty, and so cannot be his Worship. The Circumstances of his Worship I account are either necessary, or not: By necessary, I will understand necessary to be determined: If they be necessary, and he hath not prescribed them, our Superiours may enjoin them, and we are to obey them. If they be not necessary, I question whether the Church hath authority to enjoin them; or if it hath, a *need not*, is a reason why she should not; and it is best however to me beyond doubt, she should rather let them alone: *It seems good to me and the holy Ghost, to lay upon you no greater burden than these necessary things*. If yet nevertheless the Church (or her past (or our Superiours) will impose things that are unnecessary, and they do but ill in it, I do apprehend that we for our part notwithstanding have that advantage by our Liberty as Christians, that so long



as the thing is not against our Conscience, nor will cause our Brethren to sin, we may and shall do well to obey them for quietness, and the Magistrates sake. I will yet proceed. When some understanding persons have said, *That things which were indifferent before, may become unlawful being enjoined*: We must carefully distinguish between a thing being commanded as necessary, and being necessary as commanded. It is true, that when a thing indifferent is commanded as necessary, (as a part of Worship, or as if God requir'd the same of us) it becomes unlawful, or rather it is to be refused and not done, because commanded as such. Jesus Christ would not observe the Traditions of the Elders (I humbly conceive) upon this account, because they held them necessary, using them as if these were some holiness in them, and indeed as equal with the Precept of God, if not above it, when they made it become void thereby; or else he might have done as they did, in many of them. And hence *Paul* withstood *Peter*, as I judge: The Jews by his Part were like to think the observation of *Moses* Law indispensable; when otherwise he made nothing of circumcising *Timothy*, and doing himself according to it. To this purpose are we to stand fast in our Liberty, and not to be the Servants of Men. But if a thing be held necessary only as commanded, we are to distinguish of that necessity, and of those things. Things that are commanded (we suppose them to concern Religion) are either for Edification, or not. And this necessity is either in regard of Conscience, or the outward Man. If things commanded be for Edification (or if we are convinced they are so) then is there truly a necessity in regard of Conscience, or an obligation on the Conscience to obey them, as authorized from God. If they are not tending to edifice, (or we in our Conscience so judge in sincerity) then are they to be look'd on as not necessary in point of Conscience; because the authority that the Superiours hath in such things, is only for Edification; According to the Power given us of God for Edification: And consequently, they being not (I say) edifying things, those particular Commands have none of Gods Authority (as I have said in my last sheet, on another occasion before; where what is wanting here, may be supplied) and cannot be obligatory in Conscience, so as to be said, upon that account, necessary to be done. Nevertheless there is a necessity in regard of the Outward Man, that remains; which is, that rather than resist the Magistrate, we must suffer; and rather than suffer, we are forced to chuse to do the thing: And herein then are we I account beholding to that Liberty that the Lord Jesus Christ hath purchased, that we may obey in indifferent

ferent things, and are not put upon the necessity of suffering altogether.

His Seventh Chapter is, of the nature and obligation of Scandal, and the absurdity (as he speaks) of pretending it against the Commands of Authority; wherein there are several things according to the fluent ability of the Author; among which, there is not wanting that perhaps which should be said; but there is wanting a sensible judgement of the Case it self, unto which, what he says should be applied. For notwithstanding all this he hath here about Scandal, I do not find that really he yet knows (or at least but at adventure) what that Scandal is, or wherein the Point of Issues that pierceeth the Conscientious in the business of Conformity, that when there are some things which some of them otherwise might do as lawful, according to their own Consciences, they dare not but forbear them for the Conscience sake of others. *Conscience I say, not thy own, but of the others.* I will desire this Person to read, or to read better, that little Tract of Scandal writ by Dr. Hammond, who will shew him, wherein the Apostle to the Romans and to the Corinthians does place the matter of Scandal, and the result will come to this, That no man upon any terms may ever do that thing whereof he is satisfied himself of the lawfulness of it, so long as he hath reason to be perswaded that by his example he shall induce others to do the same, who being unsatisfied in their Consciences about it, shall sin in the doing. And if he sin against the Brethren, and wound their weak Consciences, he sins against Christ. This is the Case of Scandal with the Nonconformist. A man may not sin against Christ for the Magistrates command. But for some men to Conform, will be to do thus: *Ergo.* By this little may appear the insufficiency and impertinency of those things which this man and others, do commonly offer for satisfaction in the case of Scandal. *The matters wherein Scandal is concern'd* (says he) *are only indifferent things, but nothing that is not antecedently sinful remains so, after the commands of Authority.* This expression sure can hardly hold sense; but as for the meaning, I Answer. The doing the least indifferent matter in any particular whatsoever, which is Scandal in the Apostles sense, is antecedently evil; and consequently this great Answer comes to nothing. Again, *We encounter Scandal with Scandal;* (says he) *The complying with Authority, offends only the weak Brethren, or a few of them; but the refusing offends the whole Church and Magistrate.* I Answer. The refusing, is not doing that which the Apostle means, when he gives us such a charge about Scandal, according to Dr. Hammond's true interpretation

pretation thereof in that Tract; nor what Christ means when he speaks so dreadfully of *offending any of his little Ones* in the Gospel. Consequently this Answer comes to nothing likewise. I will add, It is better that a man offend the whole world with that offence which consisteth only in *disputations*, then to offend any one the least Christian in that sense wherein the Apostle and Christ forbids Scandal. I know I have not framed my words here in such a style as to make them pungent; but I have spoken to the matter, which I chuse rather.

His Last Chapter is, *of a tender, doubtful, and unsatisfied Conscience*; wherein he endeavours to prove by that *our* Topick *Will*, from *reason* and *improbability*; and then to persuade us hereupon, That in *all doubtful and disputable Cases*, we should take the *Command* of a *Church* for the *Supreme Rule of Conscience*; and that to act against our own *Simplest* sense of *obedience* thereunto, is *godliness* and *virtue*. A strange Chapter. There is nothing hardly more manifest and uncontrollable in *Practical Divinity*, than that a Christian may not do any thing with a Conscience unsatisfied of the lawfulness of what he does; but that he is first to be persuaded thereof in his mind before he does it. The Scripture is most expresse for this. That in things indifferent, *what* *appears* them *unclean*, to him they are unclean. He that *acts* *not in Faith*, that is with a persuasion, that the thing he does is lawful, and will not displease God, *does sin*. And he that *saith* and *thinketh*, *he* *demands* if *he* *can*. I wonder therefore with what heart this Person here can use his Parts and Oratory in this Argument, which is to prevail on People that by all means they would be contented, and not be To fly, or make any such matter as they are apt to do of it, to be *damned*. To do any thing against a mans Conscience, how indifferent soever, is to do that, in the doing whereof a man is *damned*, that is, does commit a deadly sin. But if I make the Command of Authority my *Suprem* Rule in indifferent things, when Authority commands any thing against my Conscience, I must act against my Conscience in that thing. Consequently this Author hath bestowed this Chapter to persuade men to *damnation*. I must confess the Man hath such a pretty glib and voluble expression, that if he will speak friendly of any known sin, or smoothly of Hell, he may prevail no doubt with many to venture on both, who really believe them nothing. But if any indeed do believe his Religion true, and contained in these Scriptures, I must advise him for his life, not to hearken to this young man's counsel, but that fixing that old and good rule, *Quid dicit et si severu*, in his mind, he resolve to look well to the virginity of his Conscience, lest in doing

ing once what he *seems* to be unwilling, he comes afterwards to prostitute it to any thing he *knows* to be so. The truth is, the sum of this Chapter is very tall and prophane, That *whosoever* by our own *indignities and apprehensions, we must acquiesce in the determinations of our Governors.* And every Conscience that is *not thus perverted* is to be reckoned as *idolrous and unpeaceable*, and so to be treated accordingly.

I purpose not to enter further into Examination of the *particulars* of these Chapters, which may be done more easily in good time, by me or others. There are *three or four things* remarkable to me upon the *whole Discourse.* The first is the Magnificence of the Author's *Pen* and *troubling Expression*, and indeed excellent *Poets.* The next is the very fine Paper and Print of the Book. This I set down because as to the matter it self, these *two things*, the fine Expression and the fine Paper, are but indeed *regardable alike.* The third is the *Scorn, Presumption, and Pride* (wherein the man must be acknowledg'd *unparallel'd*) with which it is writ. And the last is, the *shortness and unsatisfactoriness* in the stile. For when he tells us at the end, that he hath been *solicitous not to touch any thing material*, but hath *recounted all the Nonconformists most weighty and considerable Objections*, he hath not truly once touched those things in good earnest, which are the present certain grounds of *Disconformity and Separation.*

There are two sorts we know of *Dissenters* from the Church of England. Those that are of the *Presbyterian* judgment, and are for accommodation with her. And those that are of the *Congregational* judgment, who separate from her, and cannot own any but their *gathered Churches.*

For the *Congregationalists*, they stand here. The Church of Christ is a number of the truly faithful, and regenerate Persons. The visible Church is defined by a profession of true Regenerate Faith, and of no less than that; according to the general opinion of the *Primitive Divines.* In our *Parish Churches* now they all eige, there is no Profession made of true Grace by any unto Membership, at least not such as is credible, and no watching over one another after, as Brethren in fellowship. And consequently there is no visible Church amongst us. As for Profession of *Infrms* at their Baptism, that is as good as nothing to them, seeing Profession is a thing not to be required for it self; but for the signifying to the Church or Minister, what the Person is who makes the Profession, that accordingly he may admit or not admit them to Church Communion. And as for *Confirmation*, we know it is not so used, nor can any prove it to be instituted to that use



use in the Gospel. It follows, that our *National or Parish Churches* being not companies of *Professors*, they must gather their Churches that are such; and here lies the true ground of *Separation*. And does this Person yet know this? Or hath he spoken a word of it? Or dare he take this stile into his mouth, but it will wear out his mouth? Let master write he, and his whole Party, laying their wits together, will be able to say in this Point to purpose. But let not any one do it lawly, without considering the weight which is here included. For if there is nothing to be said by him, but that all the Members of our Parishes are indeed such Professors, that is, a number as have, or do so credibly profess their Faith, Repentance, Regeneration, and the saving Grace of God; that the Minister hath, or doth thereupon receive them as a People endowed all with this Grace, (supposed to be professed); and that the *visible Church* must be granted indeed according to our *Professants*, and the *Book of our Liturgy*, to be a number of such; and no less Professors than such, I doubt not they will prevail little more with the *Nonconformists* of this work, than to root them in their Practice; and to judge that *Separation* is indeed from this Principle a most apparent result, and undeniably concluded. What man is there alive of such parts, as dares revive Mr. *Black's* Cause, and defend it against Mr. *Baxter's* Right to *Sacraments*?

For the *Presbyterian*, or those *Nonconformists*, who are for Agreement, and go under that Name; there are many for ought I see, not concern'd in any objection throughout this Book, unless it be in that of Scandal; and some are not concern'd in that; for it is not those that are *perish*, as this man thinks, or will be angry as one, and endure him no more if he *conform*, that a man need trouble himself about scandalizing. The obeying the Magistrate is more than that: but it is those *tender conscientious and sensible good natured* Persons, that love a man and esteem him, and so are like to do as he does only for his example (and thereby may wound their *Conscience*: as the matter is shew'd before) that a man is to be so cautious of in the case of Scandal. I say, there are many who refuse not happily to *Conform to the Liturgy*, nor any of their things indifferent (which they will yet rather *change* or *forbear*) but they refuse to *conform to Lying and Perjury*; That is, they refuse to *Declare and Subscribe* according to the *Act of Uniformity*, and to take the *Oxford Oath*. And who does not know what *Act* that was that made such *Nonconformists*? What is the reason then that this *Endorser* hath said nothing in defence of these *new Impositions*, and the *Subscription* in the *Canons*? If he can Answer what is objected against them, and the *Oxford*



Oath, in the Book mentioned in the first Sheet, we shall thank him if he cannot. To what purpose does he beat the air about *Conformity*, till there be some *transcendence* in such things, as the *truly conforming* may be pressed to *they*, with the face of *ingenuity* and *righteousness*? As for this Book we have here already, we see it carried on against *these men*, as if they were so many *whitens*, that in all their Arguments sought *pretences* only for their *Nonconformity*; and when the great advantage they get by it, is only to be *Ejected* from their *Living* and *lose* what they had, and out of real conviction of the unlawfulness of these *Declarations* and *Subscriptions* that are imposed upon them, they forbear them and are quiet. This man comes with his *other things*, and concludes upon them, *And what instance have we in any Nation of the World, of any Schism and Faction so unreasonably begun, and continued? The Rebellion of Corah indeed may resemble, but nothing can equal it.* By which, and such-like Expressions as these, the Author, I doubt me, will hardly prove himself, a *Person* of such a *calm and softly humane* as he assumes. Nor may he, perhaps, when he hath reflected well on the *design* and *substance* of what he hath wrote, which is really but an open tending that Scandal to his Brethren (in his sort) which Christ and his Apostle St. Paul hath so forewarned us to take heed of (which is the inducing the Tender and Conscientious to do those things whereof they are unsatisfied, and so to sin in the doing) have so much confidence as he now seems to have, in what he has done. For if the black Ox shall come to tread once on this young man's foot, and he grow graver; or if it shall please the Lord to touch his presumptuous Soul with the sense and horror of that one text, or some others, That it were better that a Millstone were hung about his neck, and he thrown into the Sea, than that one of Christ's little ones, who are more tender of their Consciences, should do what he hath advised; it may be, I say, the poor man may have reason to change his Conclusion, to pray to God above all men, that his Book take no effect; and taking little joy what Pilate did, to withdraw the breath of his Defiance, and to wish, that *What he hath written, were unwritten.*

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Reader, there is an Answer come forth out to the friendly Debate, which is yet wholly unseen to me. There is also a little Book of a subject very rarely before offered to the Publick, entituled, *The Childrens Petition and Remembrance to the Parliament*, presented helike to both Houses on Wednesday last, which appears to me of such concern to posterity, that I cannot but take this spare place between these Papers to give notice of it, as fit to be furthered upon that account by all who are lovers of Purity and Ingenuous Virtue.

## The Dissertation.

**T**he Discourse of *Ecclesiastical Policy*, came to my hand within two or three days after it came abroad: I kept it by me about just a week, and then carried the preceding *Annotations* to the Press, to come out with the first sheet: But how many weeks it may be ere they be printed, I know not: In the mean while, I think good to prepare two or three more, in regard of one Subject, which is so necessary to be adjoyned, that it lies at the bottom of all our business. That is, Concerning the Power of the Civil Magistrate, in *Religious Affairs*. I must confess I have some Papers by me, besides those against the *Friendly Debate*, which are not controversial and contentious, but healing, and tending to peace: The Original Design whereof, was for Moderation on both sides; to wit, For Condescension on the part of Authority towards Tender Consciences, and for Submission on the part of the Subject, (so far as every one can) to what is established. I shall leave those Papers perhaps but the more entire in their proper matter, and yet supply my self here out of some former years thoughts for this present occasion.

Indeed the power of the Supreme Magistrate in things Religious, is a business of great Concern, and assured Difficulty. That the Church is to be govern'd by those Officers whom God hath set in it, appears reasonable. That such are Apostles, Pastors and Teachers, unto whom the Keys are committed and not the Sword, cannot be denied. That when there is no formal power then at all in the Magistrate over the Church of Christ, there is some Superintendent inspection nevertheless belonging to him, as *Episcopus sui Regni* in Ecclesiastical Affairs, the Example of the good Kings in the Old Testament, and *Constantine* under the times of the New, and the Confessions of all Churches, will allow. That in the exercise of this external *obsequious* power, which he hath in the Church, he is not to be a blind Executor only of the Bishops will, in putting a Sanction on their Canons, and enforcing the observance, without having the *Book of the Law delivered to him*, and consequently a Judgement of Discretion, whether they be agreeable to the Rule of Gods Word, and condition of his People, the consonant Judgement of Protestants will assert on all hands.

hands. Now then when the Magistrate hath *something to do*, and not *as it is* in these Affairs, how, or how far this Authority of his, is to be maintained or stated, that it intrench not on the *Liberty of Conscience*, which is due to his Christian Subjects, (as peculiar and sacred to God) is the Attempt, I perceive, of some late Papers bearing that Title: The Arguments whereof (especially as to the Nations Interest) I have already praised: The State of the Question I judge also, to be rendered with much Ingenuity and Reason; but when they come to the very point where I expect their motion fix, that I might set my foot upon it, and stand fast, I find the ground methinks sinking away from its Foundation.

Let us consult Common Places on that head *De Magistratu*, and we shall find there are made two Questions by Divides: *Ubi sit Magistrateus TAKE CARE of Religion? Ubi sit de COM- FEL HIS SUBJECTS to it?* And when the former is granted generally from that Text, *Deut. 17. 18.* and that Tenet, That he is *Christi principis Titulus*, the latter is denied, yet with Caution. Distinguish (say they) between *Episcopatus*, and *interdictors exercitio in Ecclesia*, *Posterior ad vitandam corruptionem & scandala competens* *Magist. Franc.* Distinguish again of a Commonwealth or Kingdom, free or not free from divers Religions. *Ibi cavenda, hic toleranda, sed cum conditione ne publica Religio exercitia heterodoxa facile immutetur.* By this little, we see a door open for Christian Prudence to be let in to the decision of these matters, which being guided by the Light of Universal Nature, and the General Rules of Scripture, must needs make very much way for variety of Judgement and Practice in the Case.

To state these matters then a little, which our purpose requires. The Civil Magistrate (says the Apostle) is the Minister of God for our good: The Souls good is the best good. *Est optima Respublica*, with Aristotle: *Ex eorum infirmis quisq; optime & beatissime vivat.* As Religion makes Folke best Subjects, and best men, it makes them most happy, having the Promise of *this Life*, with a better. The institution of the Magistrate upon this Account appears to be for this End, That the People may *live peaceable Lives* under him, in all *Godliness* as well as *Honesty*. It is not consequently for us here to imagine, that the Magistrates Authority does extend onely to Civil Things, but to take a care of *Sacred* also; and to see the Will of God to be executed in both. *Magistrateus sacra & secularia ex aqno curant; sed ad singula veniunt; secularia est angustius esse sui imperii circa sacra quam circa* *prosa-*

*profane, but innovations, quod Lex divina de sacris rebus confirmata, et  
libertas eximit, sicut de censuris rebus.* To this purpose we must know  
that Actions of Things, *quæ subiacent humanæ legibus*, are either such  
as are determined and necessary, being commanded or forbidden of  
God; or such as are indifferent, being left undetermined by him. In  
Things or Actions which God hath forbidden or commanded, that is,  
which he hath determined, to wit, either by the Law of Nature, or  
Divine positive Institution, the Duty of the Magistrate does lie in  
removing Obstacles, admitting Helpe, and withdrawing Occasi-  
ons of the sin; but his Power precisely does lie in super adding a new  
Obligation to that of God, and by the sanction and infliction of pu-  
nishments, to enforce unto the Duty. And so is it a Keeper equally of  
the two Tables, having no Right of changing a Title of Gods Will.  
In things left indifferent, and not determined by God, that is, in  
things which are neither sinners in the mind of Man, nor Gods Word,  
*Hæc sunt sacra, sunt profana hæc, non continent in aliquam partem. Ius est  
summa potestate;* The Magistrate hath Authority, and Liberty to  
determine, and Power Liberty to change such things into  
lawful and unlawful, according as he requires or prohibits them for  
the spiritual or temporal good of his people; and the effects of that  
Command or Prohibition, are Obligations and Censure, *in statu hominum*.

This premised, the ingenious Papists have mentioned, after they  
have endeavoured to shew the extremity of their Opinions about the  
Magistrates power in Religious Things; In some, that make him the  
sole Judge of all Matters Spiritual and Temporal; In others, that as-  
firm the like power, but to be exercised in Spirituality in a perfect sub-  
serviency to the Church; In a third, that make him have nothing to do,  
but in Civil Matters only, *subserviunt sibi* (that is, to themselves), which lies  
contained in those extremest Opinions, *de velle, solum de velle velle;*  
should be discovered, (instead of their bare rejection) and laid well  
together, the most mature account of the Magistrate, in reference to  
this point, were I think to be given: They bring the whole to this is-  
sue, *That the Magistrate is the great Officer of Ministry* (as the Apostle  
calls him) of God upon Earth, *ut in hoc vult* (which in Religion they  
cannot (if I misapprehend them not) is what alone he hath revealed) to  
be put in execution. And then for the securing that liberty they would  
assert and keep for the Conscience, they put in, *That under the Gospel  
the Magistrate must do this in the manner of a Civil Officer appointing,  
and so not by the temporal Sword.* This is to profess a great matter and  
momentous Truth, but in the fulness of the Authors own pious and  
weighty



weighty Conceptions, he hath left his Reason at a perfect loss of the true account, when we are brought as it were too, almost within ken of it. I must humbly crave pardon therefore, if I bring a few of my drier thoughts here, to minister to his abundance.

In the Office it self of the Magistrate, it is bear, the Sword, and by that to act, or effect what it is to do. Where a Person hath no power of *Caritas*, he acts not as a Magistrate, but as another man, as an eminent Member only of the Society: and he that sayes, He may not use the *temporal Sword* in the *Church*, of the Gospel, does upon the matter say, That *good Magistrate*, he hath nothing to do with in Religion, which is an acknowledged Error. What the Will of God then is, we are orderly to enquire here, which the Magistrate is to see done. It is the Will of God that People should be Converted, that they should Believe, Repent, and be saved: And it is his Will that the Gospel be preached; and the Ordinances attended to that end. It is not to be thought, I suppose, the Office of the Magistrate concerns both these alike without distinction. If men are not converted, and believe not, he cannot make them do that. But if the Minister neglects his duty of Preaching, Caretelling, Administering the Sacraments, or Censures which Christ commands in order thereunto, the Magistrate may punish him, because he hath power, when he cannot administer the Ordinances, and Excommunicate any himself, wherein he hath none committed to him. *Alia sunt off. imperialis civilis, alia sacra functionis*. If the People likewise be loose and profane, and upon that account come not to Church but neglect God, he may punish them for their not coming, which, I hope, is in the *contents* of the Gospel, although if they abstain only upon doubt, scruple, or reason of Conscience, there is difference in the matter. There are therefore the *inward*, or the *outward* acts of men: When the Magistrate is said to be the *Minister* of God, and consequently to see his Will performed, it must be understood, not simply and indefinitely, but *restricte*, & *circumscribte*, in reference to mens *inward* acts, and the *inward* as they are concerned only in the *outward*. Neither must we confound the distinction of *sacred* and *civil* actions with *inward* and *outward* in this place. The power of the Magistrate may extend to both in the *one*, but does not in the *other*. The inward acts of men are not within his Cognizance, and so not under his Jurisdiction. The Government of the Church accordingly is *internal*, and *external*. The *internal* government of it belongs to Christ; It is he alone can rule mens hearts. The Magistrate can but look to the *outward* acts; and



and his Magistrate, when Christ is not, is his Will. This external rule again of the Church, or Church-affairs, must be distinguished into two sorts: It is one sort belongs to the Pastor and Church-guides; and another to the Magistrate. For instance, the Magistrate cannot be said properly to make Canon (saye *Canones* of Schism) being prescribed under pain of Excommunication; and yet can they have no obligation (*Grain* shews) on the Subjects; but by Empire only. The one is then *Excommunicatio* *utrumque* *formale*; the other, *Excommunicatio* *obsequialis*. There is, *directio* *sanctio*, *declaratio*. The other, *Justi* *confutatio*, *improbatio*, *carceratio*. This I take to be certain, that into whatsoever the Rule of the Magistrate extends, his Sword must. What he may command, he may compel; what he may punish if the command be not fulfilled; and where he cannot compel, he cannot command. I speak as to the Binding Power, not then Exercise, where in prudence is to direct. It is true, the pious Magistrate is to desire and endeavour the salvation of his People; He is to seek their good; and the spiritual good is beyond the temporal. But he is to do this (I suppose) in his Office, according to his place; as far only as he can, that is, as far as his Sword will go. His Sword will not reach the inward man; If it would, he might; he should use it no doubt to do them good. But seeing it will not, he instructs them that the spiritual Sword be applied; the Word preached; and the Ministers office executed; and how is he to see to that purpose, or enforce that, and the People to attend thereunto, But by the authority of his Sword? To say or think then because the Salvation of these Souls is wrought by God's grace; not by outward force; that is, because the Gospel is the power of God to that end, and this Weapon is spiritual not carnal, that it is able to do this. Therefore the Magistrate is not to use his Sword in Religious Affairs, is enough in some such case, and what in this truth may be spoken) is the gross obnoxious to mistake through the want of considering what the nature (*natura* *quædam*) of humane Empire is, which is the outward acts not then only (those Religious acts I say) as well as Secular, these are outward; and the not distinguishing in the government of the Church a right between that which Christ hath committed to the Magistrate; and what he keeps in his own hands, and executes by his own officers. That which is therefore rather to be said, to build uniformly on the same bottom, I suppose is this; The Magistrate is that Author's nation is God's chief Officer to see his revealed Will in the world, and as a Christian Magistrate I term say, to see his will in the Church to be performed.

This I take it (understanding it as to mens outward acts, and without an exclusive meaning of his determining power in indifferent things) is very well. Now it is the will of God, that every man, always in what he acts (though he is not always to act) whether in things Religious or Civil should do according to his Conscience; so far for certain, as never to do against it; which he requires of him under those terms, that he shall sin certainly if he does. This is God's will by the light of Nature, by the rule of Scripture, and universal Consent. The Conscience either *is in the Right*, and then it is as God to us, it must be obeyed, we must do according to it, we ought not to be disturbed by man: Or it *is in an Error*, and then we must not go against it, even when we are bound to be informed otherwise, and lay down that Error. It is the duty consequently of the Magistrate to see that his Subjects be not put upon any thing that is against their Consciences, and that they serve God (when it is fit) according to them. If a man goes against his Conscience, I say he goes against God, which it is his will he should not do; and how does that man see the will of God to be executed, who compels men to that, the contrary whereof is his Will?

There is no need here, to put any difference between those things that do not differ in this point. Let the Magistrate under the Gospel have the same power with those (allowing a variety only in their Judicials) under the Law. And whether things are Religious, or Secular, if God hath left them free, and neither prescribed nor forbidden them, let such be equally at the Magistrates determination, with this difference alone; that God hath determined more things certainly (if not all things but Circumstances only) in Religion, (and so exempted them from humane arbitrament) then he hath done in Civil matters. Let the Magistrate know farther, That in whatsoever he may Command, his Power is coercive, and his Sword may be used (I speak as to the *Quod licet*, not *quid iuvetur*) to cause his own, and much more God's Will, to be done. There is nothing of all this does hurt that Liberty I state, and establish for the Conscience, whose safeguard I place not in any distinction in reference to the Magistrates power, between things Sacred and Civil, or between what might or ought to be done under the Law, and may not under the Gospel; but in the most holy Anchor of God's supream Authority and determination, which overrules the Magistrate, who derives from, and must not go against his Will; nor can command or compel to that which he hath made to be sin, as the doing any thing against Conscience is: *Duo sunt genera*

*illorum Imperii quatenus in Imperantibus non pertinent, Deo voluta jubent, Deo jussa utantur.* And unto this is there nothing moreover (that I know of) to be added or replied, but only to decide well (as is intimated from Divines at the first) between *Refrain* and *Constrain*, if I may so speak; in being one thing I mean how far the Magistrate may proceed in *refraining* men of wild Principles that they act not according to their Conscience (mis-inflamed) and another in *constraining* them to do things which are against their Conscience. That the Magistrate may proceed in the one, that is to *refrain* upon good reason, appears from hence; because that although God does require every man to act in whatsoever he does according to his Conscience, yet he requires not that in every thing which is according to his Conscience, he should act: His Conscience may be erroneous, or the thing not expedient, if lawful to be done. Again, the Magistrates Conscience and his sword: He may think he is bound in Conscience to act (suppose in preaching Seditious or seducing Doctrine,) yet if upon *refrain* he acts not, his Conscience cannot accuse him of sin, because he cannot help it; and the Magistrates *refraining* him is (according as he believes) good, and thereupon he does it. Now here is nothing contrary to his office, the execution of *God's Will* (whose *Minister* he is) for the man, I say, does not break his Will (though his Will be, if he act, he should act according to his Conscience) because that besides the thing perhaps is not to be done, he is under *refrain*; and so excuseth even to himself by the necessity: and the Magistrate does perform his *Will* (as he judges) in *refraining* him, because of the evil that would follow if he should suffer him. But now in the case of *Constrain*, I mean in the *constraining* any to do that which is against their Conscience, that is, manifestly against the office or work of the Magistrate, who being to see God's Will performed, does hereby directly endeavour that his Will be not performed. His Will is, that the man should never act against his Conscience whatsoever comes of it, and he is forcing him hereunto.

Here then are there two *Questions*, in those Papers mentioned, proposed to the life, as the sum of what could be desired, if they had but been directly answered when proposed. The one is, *How far men may be suffered to do those things which they say they are in Conscience obliged to do?* The other is, *How far they may be commanded and enforced to do such things which they indeed believe, and say, they are in Conscience obliged not to do?* The substance of these Questions, I perceive that our excellent Gentleman takes to be one, and so they are passed off into

his main endment: But as the putting a difference (I have said before) as to some things which (in relation to what is asserted) admits none: So must the confounding that here, wherein the difference being put is so much to purpose, needs lead into darkness. To these two Questions therefore I answer in the words of those Papers: yet as to the former, I doubt not but when may and ought to be restrained oftentimes in many things unto which they think themselves to be oblig'd: and my ground for it is given. As to the latter, I humbly do apprehend that in that point alone, the Liberty which the said Papers have so ingeniously contended for, is to be plac'd; and so far as that comes to, the Arguments they have centred and prevail'd. It is not because a man's acts barely are Religious, thro' his place or excommunication from the Magistrate as is still said, but because of his Conscience: Whether the acts be Religious, Moral, or Civil, and his Conscience a Conscience of them, and the Sword cannot be brought to the inward man, or to the Conscience. It is not in duties which are inward, nor in acts at all, and it cannot reach to any to compel him to do as against his Conscience, because that were to use the Sword against God; and the Magistrate is the Minister of God: But he may reach to hinder them from straining outward acts which some men are about doing, or think they ought to do according to their Conscience, because their Conscience or judgment may deceive them; and either the thing ought not to be done, or it may not be fit to be done: It is to be feared that if it be not in regard of others, or of the publick utility, unto which they are to give place.

Let me yet use a few more words (I crave pardon I have said so many) for while words are only to make the mind known, I may mislead my self ill; but no words are enough, though multiplied, till this be done. Where the Conscience is erroneous, say, God will hit in both these things, That a man should not do against his Conscience, because it is his Conscience; and that he should not do according to his Conscience, because it is erroneous; but that he should lay down his Error, and so act. And this is the meaning of that which Divine do say, That such a Conscience does *lure*, *and* *mislead*. The Magistrate accordingly may not compel him to that which is *positive*, to act against his Conscience; but to that which is *negative*, to wit, not to do according to it. Put a case in this point as high as you can say: Suppose a man, who is otherwise a very conscientious man, hath imbibed such ill-shap'd Fifth-Monarchy Principles, that he cannot own the present Powers that are over him, and so dare not do any thing, in the doing



doing whereof he shall owe them; what shall the most tender Magistrate do with such men? unless as we do with Wolves and wild Creatures, chase them up this they may do and hurt themselves. The Magistrate, I think, cannot compel this Fifth Monarchy man to any such foolish holding of his Authority, or to any such act whereby he owns him, that does go against his Conscience, the power compel a man to own the true God or Christ, contrary to his Light; but if he act according to his Conscience, in disowning the Powers, speaking against them, resisting & rebelling, he may be punished too, justly, upon the same reason, because though it be Gods will that he should never act against his Conscience, yet it is Gods will too, that he should not act according to it, when it is erroneous and wicked, and for so doing, he is punished. The sum is, The Magistrate may not carry his life his Sword in the Pocket, when he may in the Execution of his Commands or Laws, which he exerts and enforces in Gods name, for the putting the Divine Will in execution. And after this, I am very glad methinks, to find the Testimony of two such persons as I do to this Determination. *Suppose now the Jurisdiction, as in the Divine Ordinances, is not to be refused, and I am contented to see, that I do not violate the prohibition: Quid duo in hoc non prohibetur, sed in hoc non prohibetur. (Con. Petri II. c. 6. §. 3.) proinde diffinitio. Quid duo in hoc non prohibetur, sed in hoc non prohibetur. (Con. Petri II. c. 6. §. 3.) proinde diffinitio. Quid duo in hoc non prohibetur, sed in hoc non prohibetur.*

To draw them to an end. In things agreeable to common Light and the natural Good of Mankind, this coercive power of the Magistrate lies open. In things Religious, whether Indifferent or necessary, the use of the same Power appears justifiable, upon the supposition that they are not against the Conscience of those on whom they are imposed (as the service of the true God we are to suppose was not against any of the Jews Conscience (or at least in their account was not) when the good Kings in the time of the Law compelled them to it) but if the Magistrate be inform'd that any thing either is to its nature, or becomes grievous to the Consciences of his People, the case is alter'd. He may apply other Remedies, as a Christian; but as a Magistrate he may not, upon the account declared, compel any body to that, the doing whereof is hurt to him, and so against Gods will that he should do it. I will add, Power in the Root (which in my Papers that lie by, is made out) is nothing else but Gods will that such a man should command: But in these things which God hath prohibited, it is not his will that any should command, and much less use coercion also. Consequently, if the Magistrate command a thing against my Conscience,

Conscience, that Command (at least to me) is void, and without power. Gods Vicegerent within me, my Conscience, makes his external Voice to cease. So far as his power goes then, we may grant it to be coercive; but in things against the Conscience, he indeed hath not any; who must say hereof, what Paul said of the Truth, *I can do nothing against it, but for it, and according to it.*

I remember in the Life of Josephus, when some of the Trachonites came in for rescue to the Jews, where himself was Governour, and the Jews would thereupon constrain them to be circumcized, or else let them not abide with them; he would not permit that injurious Zeal, alledging, *That every man ought according to his own Mind, and not by mans compulsion, to serve God.* In our English Story (to suit this) when Eschibers the first Prince that received Christianity of the Saxon Hepharchy, was converted by Austin, sent hither by Gregory, and many thereupon came into the Church, it is said, *He specially embraced those that came in, but compelled none; for he had learned that the Faith and Service of Christ ought to be voluntary, and not of constraint.* It belongeth much to establish the publick Tranquillity (says the Imperial Edict of Constantine and Licinius) for every man to have liberty to use and chuse what kind of worshipping himself pleaseth: And for that intent is that done of us, to have no man imposed to one Religion more than another. A Prince who would draw his subjects, divided into sects and factions, to his Religion, should use in my Opinion, *soft Force*, says Bodin. Which he enhances more particularly from the Example of Theodosius toward the Arians. John Barclay (not William that wrote *Adversus Monarchomachos*) hath a discourse on purpose to this effect, about the Calvinists, (as it is thought) under the Name of the Hyperphasiants, in one Chapter of his *Argenti*. It was observed by the Popes Council (says Guiccardius) that the Profession of Luther, since it was not accompanied with their own Reformation, did increase his Reputation: and that it had been a less evil to dissemble the knowledge of such a matter, which would perhaps have dissolved of us self, than by blowing at the Brand, to make the Fire burn the more. There are some Notes may be conferred with this out of Devisah, upon the Deliberations of the politick Katherine Regent of France, about the Pacification in her Son Henry the III's time: I will rest in one, after Henry the IV. succeeded: That great Prince thought good to declare himself Catholick, but gets that same Edict for Liberty to the Hugonots, to be renewed and passed the Parliament of Paris: by which means endeavouring to remove suspicion from their minds, and confirming them by good usage, together with some Gifts and Promises to the chief Heads,

Hence, he insensibly took away (says that Historian) the pulse and strength of that Party; so that those that are versed in the Kingdom, believe that a few years of such sweet poyson (if he had not been disabled in this course through want of money) would have extinguished that Faction, which so many years of desperate War, had not, with the effusion of so much blood, been able to weaken. *Violent Courses*, says my Lord Cook, are like hot Waters, that may do good in an extremity; but the use of them doth hurt the Stomach, and it will require them stronger and stronger, and by little and little they will lessen the operation. They that love this Commonwealth, says Judge Jenkins, will use means, together with the Restoration of the King, to procure an Act of Oblivion, and Tender Conscience; a just and reasonable satisfaction, else we must all perish, first or last. I set down these passages which my self occasionally have noted: I might add many more out of others. But let the mouth of all mortal Suffrage be stopp'd from henceforward, since we have a determination from the Metropolitan Chair; and the Oracle, in that Book which is the Subject of the precedent *Animadversions*, hath thus spoken, *The Voice of the publick Laws cannot but drown the uncertain Whispers of a tender Conscience*; all its scruples are hush'd and silenc'd by the Commands of Authority; it dares not whisper, when that forbids; and the nod of a Prince awes it into silence and submission. But if they dare murmur, they must be chastiz'd out of their perverseness, and lash'd into obedience. Unto which I must subjoyn this for surplusage; And these things (says he) cannot but appear with an undeniable evidence to any man that is not invincibly either ignorant or wilful, or both; and therefore 'in times they should, at least for shame, if they will not for Conscience, cease to disturb the Church with Clamours and Exceptions so miserably impertinent, that I blush for having thus far pursued them with a serious Confutation. So let us leave that Hero to his Victory, in the *Sella Curule* of his own Imagination.

Sound Drums and Trumpets. Exit the brave Author:  
One carrying off the Slain. *Vos Episcopi plaudite.*

F I N I S.

#### ERRATA.

Page 4. line 10. read, the Instance of the Cottage, with a Parenthesis.  
p. 8. l. 17. f. bound to the King, r. bound to the thing.